

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

DANIEL SHEPLER,

Plaintiff,

vs.

BIG SKY RESORT, LLC, et al.,

Defendant.

CV 20-59-BU-BMM

ORDER

Chief United States District Judge Brian Morris has referred this case to the undersigned for the purpose of conducting a settlement conference. Accordingly,

IT IS ORDERED that the settlement conference is set for **November 19, 2021, at 10:00 a.m.**, at the Mike Mansfield Federal Courthouse, 400 N. Main, in Butte, Montana.

IT IS FURTHER ORDERED that Plaintiff is to make an initial demand at least fourteen (14) days in advance of the scheduled conference, and Defendants shall respond with an offer within seven (7) days from the time the demand is made.

ULTIMATE SETTLEMENT AUTHORITY

It shall be the responsibility of counsel to ensure that all named parties with ultimate settlement authority in this case are present in person at the settlement conference. If a corporation is so named, or if an insurance carrier or governmental agency is involved, then the representative with ultimate settlement authority for said corporation, governmental agency and/or insurance carrier shall be present in person at the settlement conference. Availability of the named parties and/or corporate, insurance carrier, or governmental agency representatives by telephone will not be acceptable. “**Ultimate settlement authority**” means the absolute discretionary authority to settle the case up to the amount of the Plaintiff's last settlement demand or the amount claimed in the Complaint, whichever is less.

SANCTIONS

Failure to comply with the conditions set forth above, including appearance in person, or as otherwise directed herein, with ultimate settlement authority, or failure to negotiate in good faith, shall result in the imposition of the following sanctions:

1. Reimbursement of all costs incurred by the party in compliance, including attorneys fees, travel costs, wages, and any other legitimate expenses.
2. The immediate rescheduling of the conference with the continued requirement that a person with ultimate settlement authority be present.

3. Such other sanctions as the court deems appropriate to assure compliance.

CONFIDENTIAL SETTLEMENT BROCHURE

IT IS FURTHER ORDERED that on or before **November 12, 2021**, the respective parties shall submit to Judge DeSoto, at the Russell Smith Courthouse, 201 East Broadway, Room 370, Missoula, MT 59802, a confidential settlement brochure, no longer than 10 pages in length (excluding attachments, double-spaced, 14 pt. font) setting forth the facts of the case and all further information the parties deem relevant to settlement, including an analysis of liability as well as a separate analysis of damages, and a frank analysis of the strengths and weaknesses of the party's case. The brochures shall not be exchanged among the parties nor become part of the formal court record and shall be returned at the close of the conference, upon request of counsel. The parties shall also disclose the identities of the persons who will be attending the settlement conference.

IT IS FURTHER ORDERED that settlement brochures may be e-mailed to kld_propord@mtd.uscourts.gov by the deadline set forth above, as long as a hard copy (including attachments) follows by overnight mail.

DATED this 6th day of October, 2021.



Kathleen L. DeSoto
United States Magistrate Judge